



**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**Monthly Enforcement Report**  
**for actions during November 2009**  
**DISTRIBUTED: December 8, 2009**

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*This report has been prepared to satisfy a statutory obligation the Maine Department of Environmental Protection has to inform the public of certain enforcement resolutions. Please contact Peter Carney at (207) 287-4305 or [peter.j.carney@maine.gov](mailto:peter.j.carney@maine.gov) for additional information regarding the activities listed in this report. The full text of most Administrative Consent Agreements is available on the Board of Environmental Protection's website at <http://www.maine.gov/dep/bep/agenda.htm>.*

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The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and impose penalties to deter similar actions in the future.

**Administrative Consent Agreements Approved by the Board of Environmental Protection and Office of the Attorney General (party followed by location):**

*Hazardous Waste:*

**SB Acquisitions, LLC d/b/a Saunders Brothers, Greenwood, Maine.** SB Acquisitions, LLC d/b/a Saunders Brothers ("Saunders Brothers") violated provisions of the Department's rules concerning *Standards for Generators of Hazardous Waste* and the provisions of a Department-issued license to operate a solvent distillation unit for the beneficial re-use of paint thinners and solvents generated by the facility. Specifically, Saunders Brothers: failed to label or mark several containers of hazardous waste with the date upon which the accumulation began and with the words "Hazardous Waste"; failed to determine that wood waste contaminated with F-listed solvents generated during tumbler cleaning was a hazardous waste; treated or disposed of hazardous waste on-site without a license to do so by drying wood waste mixed with F-listed solvents in the facility's drying ovens and then burning the waste in the facility's boiler; failed to conduct and record daily inspections of hazardous waste containers between December 14, 2008, and January 7, 2009; failed to provide a communication device at the hazardous waste storage area; failed to have a contingency plan designed to minimize hazards to health or the environment from fires, explosions, or any unplanned release of hazardous waste; failed to attempt to establish mutual aid agreements with local authorities; failed to conduct an annual review of initial training for certain employees in 2007 and 2008; and failed to conduct daily inspections of the facility's solvent distillation unit from December 14, 2008 to January 9, 2009. Following Department involvement, Saunders Brothers advised the Department that it had taken the following corrective actions: ceasing the practice of burning wood waste contaminated with listed solvents; labeling containers of hazardous waste; conducting daily inspections of containers of hazardous wastes; installing an alarm system in the hazardous waste storage area; conducting annual hazardous waste training; and complying with the provisions of the facility's solvent distillation unit license. In addition, Saunders Brothers submitted a contingency plan for the facility and documentation of compliance with the Department's Solvent Contaminated Wiper Management Policy. To resolve the violations, Saunders Brothers paid \$11,045 as a civil monetary penalty.

*Land:*

**Wayne Nelsen, Nelsen & Brown Development Group, LLC, DWN Asset Management, Inc., and Cobb Farm Estates, LLC, Westbrook, Maine.** Wayne Nelsen, Nelsen & Brown Development Group, LLC, DWN Asset Management, Inc., and Cobb Farm Estates, LLC ("Wayne Nelsen *et al.*") violated provisions of Maine's *Stormwater Management* law and a Department permit issued thereunder, *Erosion and Sedimentation Control* law, and *Protection and Improvement of Waters* law relating to the construction of a residential subdivision. Specifically, Wayne Nelsen, *et al.* failed to follow an erosion control plan approved in a license issued under the *Stormwater Management* law and failed to take measures to prevent unreasonable erosion of soil or sediment beyond the project site or into a protected natural resource. Due to inadequate erosion controls on the site, sediment discharged into a brook. Following Department involvement, corrective actions requested by the Department were completed and soil erosion was controlled. To resolve the violations, Wayne Nelsen *et al.* paid \$8,317 as a civil monetary penalty.



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*Water:*

**Paris Utility District, South Paris, Maine.** Paris Utility District ("PUD") violated the provisions of its Department-issued Waste Discharge License ("WDL") for the discharge of treated wastewater from PUD's wastewater treatment facility to the Little Androscoggin River. Specifically, PUD: failed to submit or timely submit progress reports required by the WDL concerning monthly average mass and concentration limits for copper; failed to submit or timely submit progress reports required by the WDL to identify, mitigate and /or eliminate the toxicity associated with copper, lead, and water flea; discharged effluent with Biochemical Oxygen Demand ("BOD") which exceeded monthly, weekly, or daily license limits; failed to meet license requirements for minimum BOD percent removal; discharged effluent with Total Suspended Solids ("TSS") which exceeded monthly, weekly, or daily license limits; failed to meet license requirements for minimum TSS percent removal; discharged effluent with settleable solids concentration, daily maximum concentration of *E. Coli*, pH, total orthophosphate concentration, copper, lead, and zinc which exceeded license limits; discharged effluent which failed to meet "Chronic No Observed Effect Level" license requirements for water flea and brook trout; failed to conduct monitoring for Total Residual Chlorine in accordance with license requirements; exceeded monthly average license limits for flow; and failed to have alternative power supplies for five of six pump stations. Following Department involvement, PUD submitted a final draft Preliminary Engineering Report for Phases I and II of a proposed wastewater treatment facility upgrade, completed Phase I, and is currently implementing Phase II. To resolve the violations, PUD agreed to: conduct semi-annual whole effluent toxicity tests for water flea and brook trout and conduct quarterly analytical chemistry monitoring; propose and implement a continuing program for periodic monitoring of copper; prepare and submit for Department review and approval a proposal for determining acute and chronic site specific water quality criteria for total copper; submit to the Department a report of investigations into a chemical based corrosion control program in the public water system to decrease amounts of copper, lead, and other metals that are reaching the wastewater treatment facility; institute a Maine Department of Health and Human Services approved chemical based control program in the public water system to decrease the amounts of copper, lead, and other metals that are reaching the wastewater treatment facility; provide Department approved alternate power supplies for five pump stations without alternate power supplies; implement and maintain an asset management program for the wastewater treatment facility and collection system; complete construction Phase II of the wastewater treatment facility upgrade; and implement a one year program of intensive toxicity testing to evaluate the wastewater treatment facility's effectiveness at controlling toxics in the effluent. In addition, PUD will pay \$93,030 as a civil monetary penalty of which \$63,030 is suspended provided that PUD complies with all other requirements of the agreement.

**District Court Enforcement Resolutions (party followed by location):**

*Multi-program:*

**James Booth, Lyman, Maine.** James Booth ("Booth") violated provisions of Maine's *Natural Resources Protection Act* by performing or causing to be performed filling, displacing soil, sand vegetation or other materials in and adjacent to a protected natural resource and the *Maine Hazardous Waste, Septage and Solid Waste Management Act* and the Department's *Solid Waste Management Rules: General Provisions* by establishing a solid waste disposal facility without a permit. Specifically, landscaping debris, solid waste, and fill material had been placed in and adjacent to a freshwater wetland on a property owned by Booth. To resolve the violations, Booth entered into a Consent Decree and Order agreeing to remove and properly dispose of the materials placed in and adjacent to the wetland and implement a plan to restore the wetland. In addition, Booth will pay \$4,000 as a civil



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monetary penalty of which \$3,000 is suspended provided that Booth complies with all other requirements of the Consent Decree and Order.